

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

CARL HIGBIE, JOSEPH HARRIS, and)	
MICHAEL VOTRUBA,)	
)	NOTICE OF MOTION FOR SUMMARY
Plaintiffs,)	SUMMARY JUDGMENT
)	
v.)	Civil Action No. 1:24-cv-00174-MAD-TWD
)	
STEVEN G. JAMES, in his Official)	
Capacity as Superintendent of the)	
New York State Police, SHERIFF KYLE)	
BOURGAULT, in his Official Capacity as)	
the Sheriff of Rensselaer County, New York,)	
SHERIFF DONALD J. KRAPP, in his)	
Official Capacity as the Sheriff of Columbia)	
County, New York, and JOHN DOES 1-10,)	
)	
Defendants.)	
_____)	

PLEASE TAKE NOTICE, that upon the accompanying Memorandum of Authorities in Support of Plaintiffs’ Motion for Summary Judgment; the Declaration of Stephen D. Stamboulieh with its annexed exhibits; and the Plaintiffs’ Statement of Undisputed Material Facts in Support of Plaintiffs’ Motion for Summary Judgment, Plaintiffs Carl Higbie, Joseph Harris, and Michael Votruba, by and through their attorneys of record, will move this Court at the United States Courthouse for the Northern District of New York, James T. Foley U.S. Courthouse, 445 Broadway, Albany, New York, 12207, for an Order granting Plaintiffs’ Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure as there is no genuine issue of material fact and that the Plaintiffs are entitled to judgment as a matter of law.

PLEASE TAKE FURTHER NOTICE that Plaintiffs respectfully request oral argument on their Motion for Summary Judgment. First, the issues presented in this case involve complex and significant questions of federal law, involving multiple constitutional provisions, as to the

constitutionality of a New York statute affecting millions of Americans, and Plaintiffs believe that oral argument would aid the court's decisionmaking process. Second, while the Local Rules of Practice do not allow Defendants a reply on their cross motion for summary judgment without leave of Court (*see* L.R. 7.1(c)), Plaintiffs suspect that such leave will be requested. Thus, to the extent any reply brief is filed, oral argument would allow Plaintiffs the opportunity to address any additional issues or arguments.

A Pre-Motion Conference was held on January 6, 2025 and the Court granted Plaintiffs' request to file their Motion for Summary Judgment. *See* January 7, 2025 Minute Entry.

Dated: January 24, 2025.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh
Stamboulieh Law, PLLC
P.O. Box 428
Olive Branch, MS 38654
(601) 852-3440
stephen@sdslaw.us
NDNY Bar Roll# 520383

Respectfully submitted,

Robert J. Olson
William J. Olson, PC
370 Maple Ave. West, Suite 4
Vienna, VA 22180-5615
703-356-5070 (T)
703-356-5085 (F)
rob@wjopc.com
NDNY Bar Roll# 703779

Certificate of Service

I, Stephen D. Stamboulieh, hereby certify that I have caused to be filed a true and correct copy of the foregoing document or pleading via the Court's CM/ECF system which sent a notice and copy of the foregoing to all counsel of record.

Dated: January 24, 2025

/s/ Stephen D. Stamboulieh
Counsel for Plaintiffs